

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAWN FOOD PRODUCTS, INC.,

Plaintiff,

Case No. 1:21-cv-10895

v.

Honorable Thomas L. Ludington
United States District Judge

BRUCE VANDYKE, *et al.*,

Defendants.

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**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND (2) DENYING DEFENDANT BAKEMARK'S
MOTION TO DISMISS**

This is a trade-secret action in which a bakery company, Dawn Food Products, Inc., alleges that two of its former employees gave proprietary information to a direct competitor, BakeMark. ECF No. 39. In February 2022, Defendant BakeMark filed a motion to dismiss Counts IV, V, and VI of Plaintiff's Complaint. ECF No. 52. That motion was referred to Magistrate Judge David R. Grand, who recommended that it be denied. ECF No. 62. Although Judge Grand's report stated that the parties could object to and seek review of his recommendation within 14 days of service, neither Plaintiff nor Defendant BakeMark has filed any objections. Therefore, they have waived their right to appeal Judge Grand's conclusion that Counts IV, V and VI of Plaintiff's complaint state a claim upon which relief may be granted. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Grand's Report and Recommendation ECF No. 62, is **ADOPTED**, and BakeMark's Motion to Dismiss, ECF No. 52, is **DENIED**.

Dated: June 27, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge